

## REMARKS

### REJECTIONS UNDER 35 U.S.C. § 112

Claims 28 and 37 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office action states that Applicant's claim recitation of identifying support for "the application not related to voice communications" is not disclosed in the specification. Claims 28 and 37 have been amended to remove the limitation reciting, "the application not related to voice communications." Thus, the objection to claims 28 and 37 on this basis is moot. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 28 and 37 under 35 U.S.C. § 112, first paragraph.

### REJECTIONS UNDER 35 U.S.C. § 103

#### Claims 28, 36 and 37

Claims 28, 36 and 37 were rejected under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent No. 5,586,338 issued to Lynch et al. (*Lynch*) in view of U.S. Patent No. 6,405,038 issued to Barber et al. (*Barber*) and further in view of U.S. Patent No. 5,555,286 issued to Tendler (*Tendler*). Applicant submits that claims 28, 36 and 37 are not rendered obvious by *Lynch* in view of *Barber* and *Tendler* for at least the reasons described below.

Claim 28 recites, in part, the following:

determining whether the first SID matches a SID stored in a **dynamically updated SID table, the SID in the table identifying a cellular service provider that supports an application that exchanges remote access application message (RAAM) data packets with a radio frequency (RF) module via cellular control channels;**

Claim 37 recites similar limitations.

Not all cellular carriers in all cellular markets support RAAM packet communications. Meanwhile, one of skill in the art, familiar with RAAM packets, would appreciate that RAAM

packet transmissions are transparent to cellular networks. For a physically fixed device, it is relatively simple to program a frequency block for RAAM packet communication. However, for mobile devices, at least the combination of transparent transmission on the cellular network and lack of uniform/consistent support for RAAM packet communication in different markets makes the use of standard SID tables untenable.

*Lynch* is cited as disclosing determining whether the first SID matches a SID store in a SID table. Whether or not *Lynch* teaches the limitations cited in the Office action, *Lynch* was not cited as teaching an SID in a dynamically updated table that identifies a cellular service provider that supports an application that exchanges RAAM data packets with an RF module via cellular control channels. Indeed, the method in *Lynch* simply scans for any SID broadcasting a signal in an area but offers no explanation, solution or suggestion for distinguishing SIDs that identify cellular service providers that support the exchange of RAAM data packets from those that do not support RAAM data packet exchange. Additionally, *Lynch* refers to a pre-stored preferred SID list (column 8, line 47) and does not suggest or disclose an SID table that is dynamically updated with SIDs identifying cellular providers that support RAAM data packet exchange. For at least these reasons, Applicant respectfully submits *Lynch* fails to teach or disclose at least one limitation of the independent claims.

*Barber* discusses selecting a preferred cellular carrier based on a prioritized list of SIDs. See column 2, lines 49-67. However, the disclosure in *Barber* relates only to a traditional voice communication environment. Like *Lynch*, the SIDs discussed in *Barber* merely identify cellular service providers. *Barber* does not teach or disclose an SID in a dynamically updated table as identifying a cellular service provider that supports an application that exchanges RAAM data

packets with an RF module via cellular control channels. Thus, *Barber* fails to cure the deficiencies of *Lynch*.

*Tendler* is cited as disclosing a method wherein an emergency service is activated by pressing a panic button on the telephone which is then interpreted by the network as a high priority call. Whether or not *Tendler* discloses the limitations cited in the Office action, *Tendler* does not teach or disclose an SID in a dynamically updated table as identifying a cellular service provider that supports an application that exchanges RAAM data packets with an RF module via cellular control channels. Thus, *Tendler* fails to cure the deficiencies of *Lynch* and *Barber*.

Given the discussion above, the combination of *Lynch*, *Barber* and *Tender* fails to teach or even suggest at least one limitation of claims 28 and 37. The Manual of Patent Examining Procedure (“MPEP”), in § 706.02(j), states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, **the prior art reference** (or references when combined) **must teach or suggest all the claim limitations**. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be both found in the prior art and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). Thus, the MPEP and applicable case law require that the Office action establish that the combined references teach or suggest **all of the claim limitations** of rejected claims to sustain an obviousness rejection under 35 U.S.C. § 103. Therefore, Applicant respectfully submits claims 28 and 37 are not obvious in view of *Lynch*, *Barber*, and *Tendler*.

Claim 36 depends from claim 28. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant submits claim 26 is not obvious in view of *Lynch*, *Barber*, and *Tendler*.

Claims 29, 30, and 38

Claims 29, 30, and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lynch, Barber and Tendler* in view U.S. Patent No. 6,311,060 issued to Evans (*Evans*) and further in view of U.S. Patent No. 6,044,265 issued to Roach (*Roach*). Applicant submits that claims 29, 30, and 38 are not rendered obvious by *Lynch, Barber and Tendler* in view of *Evans* and further in view of *Roach* for at least the reasons described below.

*Evans* was cited as disclosing that a control message is referred to as a page and SID is carried in the control channel. *Roach* is cited as disclosing a method of identifying the SID by a NPA. Whether or not *Evans* and *Roach* disclose the limitations cited in the Office action, neither *Evans* nor *Roach* cure the deficiencies of *Lynch, Barber and Tendler* in the independent claims, as discussed above. Claims 29 and 30 depend from claim 28. Claim 38 depends from claim 37. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant submits that claims 29, 30, and 38 are not rendered obvious by *Lynch* and *Barber* in view of *Evans* and further in view of *Roach*.

Claims 31-34 and 39-42

Claims 31-34 and 39-42 were rejected under 35 U.S.C § 103(a) as being unpatentable over *Lynch, Barber and Tendler* in view of *Evans* and further in view of U.S. Patent No. 5,159,625 issued to Zicker (*Zicker*). Applicant submits that claims 31-34 and 39-42 are not rendered obvious by *Lynch, Barber and Tendler* in view of *Evans* and further in view of *Zicker* for at least the reasons set forth below.

Claims 31-34 depend from claim 28. Claims 39-42 depend from claim 37. As discussed above, claims 28 and 37 are not obvious in view of *Lynch, Barber, Tendler* and *Evans*. *Zicker* is cited as teaching the exchange of data between a host and a remotely programmable cellular

mobile radiotelephone. *Zicker* does not cure the deficiencies of *Lynch, Barber, Tendler* and *Evans*. Therefore, Applicant submits that claims 31-34 and 39-42 are not rendered obvious by view of *Lynch, Barber* and *Tendler* in view of *Evans* and further in view of *Zicker*.

CONCLUSION

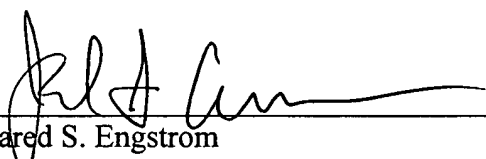
For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 28-34 and 36-42 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

Date: \_\_\_\_\_

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